IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 31410 of 2006(L)

PETITIONER:

THE KALLOORKADU FARMER'S CO-OPERATIVE
BANK LTD. NO. 2605,
KALLORKADU, REP. BY ITS MANAGING DIRECTOR-IN-
CHARGE.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENTS:

KERALA STATE CO-OPERATIVE EMPLOYEES'
PENSION BOARD, THIRUVANANTHAPURAM,
REP. BY ITS SECRETARY.

BY SRI.T.R.RAMACHANDRAN NAIR, STANDING COUNSEL FOR R1
SENIOR GOVERNMENT PLEADER, SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 31410 of 2006 (L)

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Dated this the 28th day of November, 2006

J U D G M E N T

Under Exhibit P4 representation, the writ petitioner bank claims the return of an amount of Rs.67852.21, as this is an excess payment made by the writ petitioner bank to the respondent Pension Board.

2. As per Exhibit P1 judgment dated 16/11/2005, in W.P.(C) No.27495/2005, this Court had directed the writ petitioner to:-

> 'contest the correctness of the amounts demanded by the Pension Board. However, any such contest shall be made only after making the deposits as demanded'.

3. The counsel for the writ petitioner submits that the amount has been remitted in compliance with Exhibit P1 judgment and the excess amount is not being returned by the respondent.

4. The counsel for the respondent, however, submits that an interest at the rate of 24% per annum, as contained in the Rules, had been calculated and, therefore, no

amount is due. However, this is to be decided by the Board, after hearing the writ petitioner.

5. In the above facts situation, I dispose of the writ petition, directing the respondent to dispose of Exhibit P4 representation, pending before the respondent, within forty-five (45) days from the date of receipt of the attested copy of this judgment.

The writ petition is closed as above.

(J.M.JAMES)
Judge

ms